

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF VIRGINIA  
NEWPORT NEWS DIVISION  
In Admiralty**

**TROY D. DWYER, derivatively on  
Behalf of Quinby Allie, LLC and  
Bella Sky, LLC,**

**and**

**Civil No: 4:21-cv-37**

**TROY D. DWYER, individually,**

**Plaintiffs,**

**v.**

**L.D. AMORY AND COMPANY,  
INCORPORATED, et. al.**

**JOINT MOTION TO EXTEND ALL CUTOFFS**

NOW COME the Parties, by and through their undersigned counsel, and move this Honorable Court to extend the disclosure and discovery cutoffs as well as the trial date. The Parties state the following as grounds for this Motion:

1. On August 29, 2022, this Honorable Court issued a Rule 16(b) Scheduling Order, including the following outstanding deadlines:
  - a. Expert disclosures outlined in Rule 26(a)(2)(B) due on **December 7, 2022**.
  - b. Rule 702, 703 or 705 disclosures intended solely to respond to, contradict or rebut evidence made on **December 21, 2022**.
  - c. Any rebuttal disclosures by a party bearing the initial burden of proof shall be made on **January 4, 2023**.
  - d. Discovery, except as to expert witnesses, shall be completed by all parties by **January 11, 2023**.
  - e. All expert discovery concluded on or before **January 18, 2023**.

- f. All dispositive motions, including summary judgment motions in this action must be filed no later than **January 25, 2023**.
- g. Responses to summary judgment motions are due on **February 8, 2023** and replies due on **February 15, 2023**.
- h. All Rule 26(a)(3) Disclosures (witness lists), proposed exhibit lists and motions in limine must be exchanged on or before **April 28, 2023**.
- i. All objections and responses to trial documents no later than **May 12, 2023**.
- j. A Final Pretrial Conference on **May 19, 2023**.
- k. Trial Exhibits and *voir dire* due to Clerk and opposing party on or before **May 30, 2023**.
- l. Trial to commence on **June 6, 2023**.

2. The Parties have exchanged Initial Rule 26 Disclosures and the Plaintiffs have produced their expert designations in accordance with this Honorable Court's Scheduling Order. The Plaintiffs have also served written discovery demands on the Defendants, have subpoenaed documents from third-party witnesses, and noticed depositions to take place in December 2022.

3. Defendant L.D. Amory ("LDA") noticed the Rule 30(b)(6) Deposition of Truist Bank for November 17, 2022, but it was cancelled due to LDA's counsel's illness. The Parties are in the process of rescheduling that deposition, which is proving difficult due to Truist Bank's deponent's limited schedule and the multiple law firms involved to coordinate schedules with.

4. The Defendants' responses to the Plaintiffs' discovery demands have also been delayed due to illness and Plaintiffs' counsel has agreed to additional time to respond. However, the eventual production of discovery will impact Plaintiffs' ability to produce expert disclosures by December 7, 2022.

5. Additionally, all Parties in this action are presently involved in actions pending in the United States District Court for the District of Massachusetts concerning the arrests of F/V QUINBY ALLIE (CA No. 21-10835-ADB) and F/V BELLA SKY (CA No. 21-10841-ADB) before Judge Allison Burroughs. As of the date of this filing, the Motions to Confirm the Judicial Sales of F/V QUINBY ALLIE and F/V BELLA SKY are still pending before that Court. The Court's ruling in that action is materially relevant to the pending matter in this Court, particularly with respect to the factual witness depositions, expert disclosures, and damages calculations.

6. Lastly, Plaintiffs' local counsel is now expecting to be on maternity leave and unavailable for the current Trial date of June 6, 2023. In consideration of the number of times the Plaintiffs have been required to change local counsel due to conflicts, it is their preference and prayer to continue to move this matter forward to and including Trial with its current local counsel.

7. On November 18, 2022, counsel received proposed trial dates from the Clerk of Court of which, **November 7, 2023** is available to all counsel.

8. The Parties respectfully pray that this Honorable Court set a new Trial date to commence on November 7, 2023 and extend all fact and expert discovery and pre-trial cutoffs and deadlines accordingly.

9. The Parties jointly move this Honorable Court to set a revised Scheduling Order with the following cutoffs:

- a. Expert disclosures outlined in Rule 26(a)(2)(B) moved to **April 10, 2023**.
- b. Rule 702, 703 or 705 disclosures intended solely to respond to, contradict or rebut evidence made on **May 8, 2023**.

- c. Any rebuttal disclosures by a party bearing the initial burden of proof shall be made on **May 22, 2023**.
  - d. Discovery, except as to expert witnesses, shall be completed by all parties by **May 15, 2023**.
  - e. All expert discovery concluded on or before **June 30, 2023**.
  - f. All dispositive motions, including summary judgment motions in this action must be filed no later than **July 14, 2023**.
  - g. Responses to summary judgment motions are due on **August 9, 2023** and replies due on **August 18, 2023**.
  - h. All Rule 26(a)(3) Disclosures (witness lists), proposed exhibit lists and motions in limine must be exchanged on or before **September 28, 2023**.
  - i. All objections and responses to trial documents no later than **October 12, 2023**.
  - j. A Final Pretrial Conference on **October 19, 2023**.
  - k. Trial Exhibits and *voir dire* due to Clerk and opposing party on or before **October 27, 2023**.
  - l. Trial to commence on **November 7, 2023**.
10. A proposed Order including the above revised cutoffs is attached hereto.

**WHEREFORE**, the Parties respectfully pray that this Honorable Court extend the disclosures and discovery cutoffs as stated above and issue the attached proposed Scheduling Order.

Respectfully submitted,

**TROY D. DWYER**, derivatively on behalf

of Bella Sky, LLC and Quinby Allie, LLC, and  
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